

Image
Docket No.: CI-0012



1744
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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of :

Shirley MIEKKA, Martin J. MACPHEE, William N. :
DROHAN, David Mann and Wilson BURGESS :

Serial No.: 09/960,703

: Group Art Unit: 1744

Confirm. No.: 4291

: Examiner: Sean E. Conley

Filed: September 24, 2001

: Customer No.: 34610

For: METHODS FOR STERILIZING BIOLOGICAL MATERIALS
CONTAINING NON-AQUEOUS SOLVENTS

PETITION TO MAKE PATENT APPLICATION
SPECIAL UNDER 37 C.F.R. § 1.102(d)

U.S. Patent and Trademark Office
2011 South Clark Place
Customer Window
Crystal Plaza Two, Lobby, Room 1B03
Arlington, Virginia 22202

Sir:

Applicants hereby respectfully petition for the above-identified application to be made special and thereby advanced out of turn for examination. This Petition is made under 37 C.F.R. §1.02(d) based on actual infringement of at least one claim of the application, as discussed below.

The invention, as set forth in the claims, is directed to methods for sterilizing biological materials which contain a non-aqueous solvent. These methods involve irradiating a biological material which contains a non-aqueous solvent with radiation for a time effective to sterilize the biological material. Additionally these methods may include reducing the residual solvent content of the biological materials, reducing the temperature of the biological material and/or adding at least one stabilizer to the biological material.

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Serial No. 09/960,703

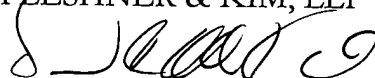
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The undersigned hereby states that: (i) on information and belief, there is at least one party currently using a sterilization method in this country that literally infringes at least one of the claims; (ii) that a rigid comparison has been made between this infringing sterilization method and the claims of the above-identified application and, in my opinion, at least some of the claims are unquestionably infringed; and (iii) a careful and thorough search of the prior art has been made.

Information Disclosure Statements were filed in the above-identified application on March 25, 2002, April 23, 2002, August 26, 2002, January 30, 2003, February 27, 2003, April 2, 2003, June 13, 2003 and September 26, 2003.

In view of the foregoing, it is respectfully submitted that the above-identified application should be accorded special status and, therefore, be advanced out of turn for examination. Included herewith is a petition fee in the amount of \$130.00. While it is believed that no other fees are due, please charge any such fees to deposit account number 16-0607.

Respectfully submitted,
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Date: January 15, 2004

DRM/TMS:dep